IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.153 OF 2007

Zandu Chemicals Ltd. & Anr. ...Appellants

Versus

Mukund Gadgil & Ors. ...Respondents

Shri F.Divetre, Sr.Counsel with Shri Satyan Israni i/by M/s.Maneksha & Sethna for the Appellants.
Shri Vivek M. Mishra for the Respondent No.1.
Shri Vivek Kantawala i/by M/s.Vivek Kantawala & Co for the Respondent No.2.
Ms Meenaz Merchant i/by Shri Haresh Ganatra for the Respondent No.3.
Shri Vivek M. Sharma for the Respondent No.7.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 14, 2007.

P.C.:

1. Heard learned counsel appearing for the parties. The Appellants who are the first and second Defendants have taken exception to ad-interim order dated 22nd February, 2007 passed by the trial Court on a Notice of Motion for interim relief taken out by the first Respondent (original Plaintiff). By order dated 01st March, 2007, this Court has stayed the operation of the impugned order. Thus, from 01st March, 2007 the order impugned is not operating.

2. Admittedly, the Notice of Motion is now fixed

before the trial Court on 20th March, 2007. Reply has been filed to the Notice of Motion by first to fifth Defendants.

3. The ad-interim order passed by the trial Court is already stayed by this Court and as the Notice of Motion is coming up for hearing of 20th March, 2007, no purpose will be served by deciding this Appeal finally on merits as any finding recorded by this Court may effect the merits of the pending Notice of Motion. Parties can be directed to complete the pleadings in so far as pending Notice of Motion is concerned and trial Court can decide the Notice of Motion expeditiously.

4. Hence, the Appeal is disposed of by passing following order:

(i) Parties will complete pleadings in the pending Notice of Motion No.652 of 2007 on or before 28th March, 2007.

(ii) The learned Trial Judge will dispose of the Notice of Motion as expeditiously as possible and in any event on or before 30th April, 2007.

(iii) Ad-interim order passed by this Court on 01st March, 2007 will continue to operate till the final disposal of the Notice of Motion.

(iv) It is made clear that no adjudication has been made on the contentions raised by the parties to the Appeal and all questions on merits are expressly kept open to be decided by the trial Court while deciding the pending Notice of Motion.

(v) It is made clear that this Court has not dealt with merits of the allegations and counter allegations made in the pleadings in this Court and all questions as regards the said allegations and counter allegations are expressly kept open.

(vi) Appeal is disposed of in above terms.

(v) Parties and trial Court to act upon an authenticated copy of this order.

JUDGE